

AMENDMENTS TO LB 305

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. For purposes of sections 1 and 2 of this
4 act:

5 (1) Educational institution means any (a) public or
6 private nursery school, preschool, child care program other than an
7 in-home child care program, or Head Start program, (b) elementary
8 school, middle school, junior high school, or senior high school,
9 and (c) trade school, postsecondary career school, community
10 college, college, or university; and

11 (2) Educational property means any (a) buildings or other
12 real property owned, leased, or controlled by an educational
13 institution or used by an educational institution during any
14 school-related activity and (b) school buses and other vehicles
15 owned, leased, or operated by an educational institution.

16 Sec. 2. (1) Notwithstanding any other provision of law,
17 the use of tobacco products is prohibited on all educational
18 property in this state, except (a) in classrooms or other
19 facilities as part of the educational, medical, or scientific
20 curriculum or research of an educational institution and (b) in the
21 outdoor areas owned, leased, or controlled by a postsecondary
22 educational institution. The governing authority of each
23 educational institution shall prominently post notice of such
24 prohibition to students, staff, and the general public on the

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1 educational property of such institution.

2 (2) Nothing in this section shall be construed to
3 prohibit an educational institution from adopting and enforcing a
4 more restrictive policy relating to the use of tobacco products on
5 the educational property of such institution than the provisions of
6 this section.

7 (3) Nothing in this section shall be construed to
8 infringe on an educational institution's authority to define its
9 mission, develop policy, manage resources, or govern such
10 institution.

11 Sec. 3. Section 71-5707, Revised Statutes Supplement,
12 2004, is amended to read:

13 71-5707. (1) No person shall smoke in a public place or
14 at a public meeting except in designated smoking areas. This
15 subsection does not apply in cases in which an entire room or hall
16 is used for a private social function and seating arrangements are
17 under the control of the sponsor of the function and not of the
18 proprietor or person in charge of such room or hall.

19 (2) With respect to factories, warehouses, and similar
20 places of work not usually frequented by the general public, the
21 Department of Health and Human Services Regulation and Licensure
22 shall, in consultation with the Department of Labor, establish
23 rules to restrict or prohibit smoking in those places of work where
24 the close proximity of workers or the inadequacy of ventilation
25 causes smoke pollution detrimental to the health and comfort of
26 nonsmoking employees.

27 (3) No person shall smoke at a site where child care

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1 programs required to be licensed under section 71-1911 are
2 provided. This subsection applies to a child care program located
3 in the home of the provider only during times one or more client's
4 children are present in any part of the home.

5 (4) Smoking is prohibited in all vehicles owned or leased
6 by the state and in all buildings, and the area within ten feet of
7 any entrance of such buildings, which are owned, leased, or
8 occupied by the state except as provided in subsections (5)7 and
9 (6)7 and ~~(7)~~ of this section.

10 (5) The following buildings or areas within buildings in
11 which persons reside or lodge may be exempt from this section: (a)
12 Nebraska veterans homes established pursuant to section 80-315; (b)
13 private residences; (c) facilities and institutions under the
14 control of the Department of Health and Human Services; and (d)
15 overnight lodging facilities and buildings managed by the Game and
16 Parks Commission, but no more than twenty-five percent of the
17 overnight lodging facilities at each park location shall permit
18 smoking.

19 (6) Designated smoking areas not to exceed fifty percent
20 of the space used by the public may be established in state-owned
21 buildings at the Nebraska State Fairgrounds that possess a Class C,
22 I, or M license for the sale of alcoholic liquor for consumption on
23 the premises under the Nebraska Liquor Control Act.

24 ~~(7) Smoking may be permitted in no more than forty~~
25 ~~percent of the residential housing rooms or units owned or leased~~
26 ~~on each campus under the control of the Board of Regents of the~~
27 ~~University of Nebraska or the Board of Trustees of the Nebraska~~

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1 ~~State Colleges.~~

2 Sec. 4. Original section 71-5707, Revised Statutes

3 Supplement, 2004, is repealed.".